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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	38-21(15678)C
First Inventor	James D. Masucci
Title	Plant Regulatory Sequences for Selective Control
Express Mail Label No.	ER 166475852US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 87]
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
5. Oath or Declaration [Total Pages]

 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

03916 U.S. PTO
09/11/03
03916 U.S. PTO
09/11/03

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)

of prior application No. 09,846,903

Prior application information:

Examiner: Cynthia E. Collins

Group Art Unit: 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	27161 (Insert Customer Number or Bar Code Label here)		or	<input type="checkbox"/> Correspondence address below
Name	Forchisha M. Davis			
Address	Patent Department, E2NA, Monsanto Company 800 N. Lindbergh Boulevard			
City	St. Louis	State	Missouri	Zip Code
Country	USA	Telephone	314-694-3151	Fax

Name (Print/Type)	Forchisha M. Davis	Registration No. (Attorney/Agent)	48,371
Signature	Forchisha M. Davis 48,371		Date 09/11/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	38-21(15678)C
Filing Date	
First Named Inventor	James D. Masucci
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	38-21(15678)C

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number
13-4125

Deposit Account Name

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	\$750
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		750	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Fee from Extra Claims below	Fee Paid
Total Claims	27	-20** = 7 X 18 = 126	
Independent Claims	7	- 3** = 4 X 84 = 320	
Multiple Dependent		280	0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		446

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Forchisha M. Davis	Registration No. (Attorney/Agent)	48, 371	Telephone	314-694-3151
Signature	Forchisha M. Davis			Date	09/11/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James D. Masucci *et al.*

Appln. No.: To be assigned

Filed:

For: Plant Regulatory Sequences for
Selective Control of Gene Expression

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 38-21(15678)C

I hereby verify this transmittal together with the patent application referred to below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 Express Mail Label No. ER 166475852US on the date indicated and is addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Forchisha M. Davis Registration No. 48, 371

Forchisha M. Davis Date: 9/11/03

TRANSMITTAL OF DIVISIONAL PATENT APPLICATION

Mail Stop Box Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is the complete patent application of:

Plant Regulatory Sequences For Selective Control Of Gene Expression

Inventors: James D. Masucci
Patrice Dubois
Marianne Malven
Timothy W. Conner

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. Form PTO/SB/17 (in duplicate);
3. U.S. Utility Patent Application entitled:

Plant Regulatory Sequences For Selective Control Of Gene Expression
and naming as inventors:

James D. MASUCCI, Patrice DUBOIS, Marianne MALVEN, and Timothy W. CONNER
the application consisting of:

- a. A specification containing:
 - (i) 84 pages of a description prior to the claims;
 - (ii) 3 pages of claims (27 claims);
 - (iii) 2 pages of drawings, figures 1-2;
 - (iv) a one (1) page abstract;
4. One diskette containing the sequence listing information;
5. Combined declaration and Power of Attorney, executed by inventors James D. Masucci, Patrice Dubois, Marianne Malven, Timothy W. Conner (3 pages).
6. Cover Letter for declaration under CFR 1.63(d) (1) (iv);
7. Statement Regarding computer Readable Media for Sequence Listing;
8. One (1) return postcard.

It is respectfully requested that the one attached prepaid postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,

Forchisha M. Davis

Forchisha M. Davis (Reg. No. 48,371)

Enclosures

Date: 09/11/03

Patent Department, E2NA
Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, MO 63167
Tel: 314-694-3151
Fax: 314-694- 9009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

James D. Masucci et al.

Art Unit: To be assigned

Appln. No.: To be assigned

Examiner: To be assigned

Filed:

Atty. Docket: 38-21(15678)C

For: Plant Regulatory Sequences For Selective
Control Of Gene Expression

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Cover Letter For Declaration

The Attached application is a Divisional application of 09/846,903 under 37 CFR 1.53(b). Applicants request that the copy of the attached declaration be admitted under 37 CFR 1.63(a) (1) (iv).

on 09/11/03

Forchisha M. Davis Reg. No 48,371
(Printed name of person signing this certificate)

Forchisha M. Davis

(Signature)